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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,604	09/26/2000	Jacob K. Gotwals	042390.P9241	5203

7590

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EXAMINER

KIM, PAUL L

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,604

Applicant(s)

GOTWALS ET AL.

Examiner

Paul L Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yemini et al in view of Lirov et al.

With regard to claims 1, 2, 4, 8, 9, and 11, Yemini et al teaches a method and system for evaluating computer subsystem behavioral properties (col. 11, lines 15-26) comprising: identifying significant behavioral properties based on measured data in a computer system (col. 8, lines 23+ & col. 12, lines 54-57) and determining an insight associated with the significant behavior properties (col. 9, lines 3-7).

With regard to claims 3 and 10, Yemini et al teaches the system encoding knowledge of insights based on behavioral properties to determine the insight (col. 9, lines 1-3).

With regard to claims 5 and 12, Yemini et al teaches generating an explanation of the advice (col. 9, lines 18-19).

With regard to claims 6 and 13, Yemini et al teaches identifying behavior whose value is outside a predefined range (col. 25, lines 11+).

With regard to claims 7 and 14, Yemini et al teaches providing the information to a user (fig. 6, part 613).

With regard to claim 15, Yemini et al teaches an evaluation system comprising: a measurement interface to receive measured values of computer system performance parameters (fig. 1a, part 1a and 2a), a measurement interpreter coupled to the measurement interface to receive measured data from the interface and to provide behavioral property data (fig. 1a, part 6 & col. 11, lines 15-19), a behavioral interpreter coupled to the measurement interpreter to receive the behavioral property data (fig. 1a, part 10 & col. 11, lines 23-32), and a user interface coupled to the interpreter (fig. 1a, part 14 and 15).

With regard to claim 16, Yemini et al teaches the interface including a measurement adaptor (col. 14, lines 62+).

With regard to claim 17, Yemini et al teaches the interpreter including a behavior knowledge interpreter (col. 11, lines 52-63).

With regard to claim 18, Yemini et al teaches the interpreter including a compiler (col. 25, lines 25-27).

With regard to claim 19, Yemini et al teaches the interpreter including an insight generator (fig. 1a, part 12).

With regard to claim 20, Yemini et al teaches the insight generator including a report generator (fig 1a, part 13).

With regard to claims 1-20, Yemini et al teaches indicating problems to a user in which corrective action may be taken (col. 11, lines 29-46) but does not specify providing an advice or explanation for an insight. Lirov et al teaches a method for

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detecting problems in a system that identifies behavioral properties, determines an insight, and determines an advice or explanation for the insight (abstract & col. 2, lines 57-62). Since Yemini et al and Lirov et al are both within the art of identifying problems in complex system and since Yemini et al already teaches determining sources of problems in complex systems, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Yemini et al so that the system could provide insights or explanations to the user, as taught by Lirov et al, in order to allow the user to manually fix the problems by computerized instructions.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Calvert et al teaches automatic analysis and resolution of problems in computer systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468.

The examiner can normally be reached on Monday-Thursday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4440 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
May 29, 2003

